BARNSLEY
Metropolitan Borough Council

APPROVAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2007/0677

To Signet Planning Ltd.
12B Hornbeam Park Oval
Hornbeam Park
Harrogate
HG2 8RB

Proposal Erection of 46 Dwellings and 28 Apartments (Reserved Matters)
At J C Snell Limited, Hoyle Mill Road, Stairfoot, Barnsley

Approval is hereby given for the proposals which were the subject of the Application and Plans registered by the Council on 25 April 2007 and described above, being matters reserved in the permission granted on OutlineApplicationDate under Application OutlineApplicationNumber

The approval is subject on compliance with the details specified in the application, the approved plans and conditions of the outline permission and, additionally, is subject to the following conditions:-

1 The development hereby permitted shall be begun before the 23rd January 2010.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990 and the outline planning permission.

2 The development hereby approved shall be carried out in strict accordance with the amended planning & landscape layout plan, received on 3rd May 2007 (Drawing No. SPL 42/01 Rev B) and specifications received on 5th July 2007 (Drawing Nos. 07/427/3856, 07/427/3858, 07/427/3860, 07/427/3861, 07/427/3862), unless prior written consent has been given by the Local Planning Authority to any minor variation.
Reason: For the avoidance of doubt as amendments have been submitted during the course of processing the application and in accordance with UDP Policy BE6, Design Standards.

3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policy BE6, Design Standards.

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

Signed
Assistant Director, Planning and Transportation

Dated 03 September 2007

Planning and Transportation Service
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4 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with the Unitary Development Plan Policy H6. The provision or enhancement of the off site space shall be provided prior to the completion of the development in accordance with the approved scheme.
Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with policy H6 in the Unitary Development Plan.

5 Prior to the commencement of development details of the replacement tree planting shall be submitted to the Local Planning Authority for consideration. The replacement trees shall be planted in the first planting season following the occupation of the first dwelling and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the locality.

6 No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
Reason: In the interests of the visual amenities of the locality.

7 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.

8 No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that any archaeological remains are recorded or are preserved in accordance with an agreed scheme and in accordance with UDP Policies BE3, Archaeological Sites and BE4.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellinghouses, which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out.
Reason: To safeguard the privacy and amenities of the occupiers of the residential properties.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.
Reason: To prevent damage to the existing [sewer, watercourse or culverted watercourse].

11 No development shall take place until full highway engineering constructional details have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved plans.
Reason: To ensure satisfactory means of access is provided in the interests of highway safety.

12 No [dwelling] shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.
Reason: To ensure that satisfactory means of access to the site is provided, in the interests of highway safety and in accordance with UDP Policy T2A.

13 During the period of construction sufficient space shall be set aside within the confines of the site for the parking of site workers and visitors and storage of plant, machinery and building materials.
Reason: To ensure that satisfactory parking is available in the interests of highway safety and the free flow of traffic.

14 Unless otherwise agreed in writing no dwelling shall be occupied until a 1 year Travel Master Pass has been provided to the first occupier of each dwelling in accordance with details to be submitted and agreed in writing with the Local Planning Authority.
Reason: In the interests of reducing the need for car travel to and from the site.

15 Visibility splays, having dimensions 2.4m x 90m, shall be safeguarded at the junction of the access road with Hoyle Mill Road, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interests of highway safety.

16 Development shall not commence until arrangements have been entered into to secure such works to mitigate the effect of the development, and such works shall be completed prior to the development being brought into use. Such works shall comprise of:
a] Any necessary amendments to the street lighting;
b] Any necessary amendments to the drainage;
c] Any necessary amendments to the existing traffic regulation orders;
d] Provision of 2m wide adoptable footway along the entire site frontage;
e] Any necessary signing / lining.
Reason: In the interests of highway safety.

17 Development shall not commence until details of the siting of the sales cabin and associated parking facilities for staff and visitors have been submitted to and approved in writing by the Local Planning Authority and such facilities shall be retained for the entire construction period.
Reason: In the interests of highway safety.

18 Prior to any works commencing on site, a condition survey [including structural integrity] of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developers expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety.

19 Vehicular and pedestrian gradients shall not exceed 1:12.
Reason: To ensure safe and adequate access.

20 Unless otherwise agreed in writing by the Local Planning Authority, before any other operations commence the contamination issues on the site should be addressed in line with the submitted remediation report (ref S5/028) and a validation report shall be provided to certify any works.
Reason: To protect the environment and ensure the site is suitable for the proposed use.

21 Any visibly contaminated or odorous material encountered onsite during the development work must be excavated and stockpiled at the site. The Local Planning Authority must be informed immediately of the nature and degree of contamination present, and its potential for the pollution of the water environment. Details of the appropriate measures to prevent pollution of groundwater and surface water, including provision for monitoring, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.
Reason: To protect the water environment and ensure that the remediated site is reclaimed to an appropriate standard and in accordance with UDP Policy ES7, Contaminated Land.

22 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with UDP Policy ES1, Pollution.

23 Prior to the commencement of the development a scheme shall be submitted to, and received the written approval of the Local Planning Authority, identifying measures to be taken to ensure that all vehicles leaving the site are in such condition as not to leave dust, slurry or mud on the highway. The development shall thereafter be undertaken in accordance with the details of the approved scheme. Notwithstanding such arrangements, should any material nevertheless be accidentally deposited on the public highway, the operator shall immediately remove such material.
Reason: In the interests of highway safety.

Reason(s) for Granting Permission

1 Unique The development is considered acceptable in terms of its impact on the character of the area, residential amenity and highway safety. The proposal therefore complies with the advice in PPS 1, PPS 3, policies BA6, BA7 and H8A in the UDP as well as SPG 2 and SPG 20.

Informative(s)

1 The provision or enhancement of public open space may be met through the payment of a commuted sum, obligation or other legal agreement.

2 The Validation Report referred to in condition 20 should include the following:

Details of who carried out the work.
Details and justifications of any changes from the original Remediation Statement.
Records of chemical characteristics of any imported capping soils/materials.
Confirmation that capping levels have been achieved.
Laboratory and in site test results.
Records of any materials disposed of off site and their disposal locations.
Plans showing treatment areas.
Confirmation that remediation objectives have been met.

NOTES:-

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, Transport and Regions in accordance with Section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is *obtainable from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay, 2 The* Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposal development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements*, to the provisions of the development order, and to any directions given under the order. He does not, in practice, refuse to entertain appeals solely because the local planning was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or the Secretary of State for the Environment, Transport and Regions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or County Council, London Borough or District Council in which land is *situated as the case may be, a purchase notice requiring the Council to purchase his interest* in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

3. In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances in which such compensation is payable are set out in Section 169 of the Town and Country Planning Act 1971.

* The statutory requirements are those set out in section 36(7) of the Town and Country Planning Act 1971, namely sections 29(1), 30(1), 67 and 74 of the Act.

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